

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

JAMES D. MASERO,

Plaintiff,

vs.

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
RECONSTRUCT COMPANY, N.A.; JOHN
DOES I-V; ABC CORPORATIONS 1-V;
AND XYZ PARTNSERSHIPS I-V,

Defendant(s).

MEMORANDUM DECISION AND
ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS

Case No. 1:10-CV-132 TS

This matter is before the Court on Defendants' unopposed Motion to Dismiss. DUCivR 7-1(d) states: "Failure to respond timely to a motion may result in the court's granting the motion without further notice." Plaintiff has failed to timely respond to the Motion to Dismiss. Furthermore, this Court has repeatedly rejected the arguments raised in Plaintiff's Complaint and

granted 12(b)(6) motions dismissing them.¹ Consequently, the Court will grant the Motion. It is hereby

ORDERED that Defendant's Motion to Dismiss (Docket No. 8) is GRANTED. It is further

ORDERED that Plaintiff's Motion to Remand (Docket No. 4) and Plaintiff's Motion to Withdraw Motion to Remand (Docket No. 12) are DENIED as moot. The Clerk of the Court shall close this case.

DATED December 2, 2010.

BY THE COURT:



TED STEWART
United States District Judge

¹*Witt v. CIT Group/Consumer Finance Inc.*, 2010 WL 4609368 (slip copy) (D. Utah November 5, 2010); *Foster v. BAC Home Loan Servicing, LP*, 2010 WL 3791976 (D. Utah Sept. 22, 2010) (collecting cases).